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May 9, 2007

TO	COMPANY	TELEPHONE	FACSIMILE
Office of Petitions	United States Patent and Trademark Office		571-273-8300

FROM	COMPANY	TELEPHONE	FACSIMILE
Brian B. Shaw, Esq.	Harter Secrest & Emery LLP	585-232-6500	585-232-2152

Application No.: 10/803,376
OUR FILE: Our Reference No.: 94012.000003
Confirmation No.: 5478

TOTAL NUMBER OF PAGES SENT (INCLUDING THIS COVER SHEET): 7 page(s)

MESSAGE OR SPECIAL INSTRUCTIONS:**PLEASE SEE ATTACHED PETITION DOCUMENTATION.**

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: 94012.000003

Applicant: Wiegel, J. Parr

Confirmation: 5478

Application No. 10/803,376

Examiner: Hilary L. Gutman

Filed: March 18, 2004

Art Unit: 3612

Title: PORTABLE VEHICLE AND/OR EQUIPMENT STORM SHIELD

TRANSMITTAL LETTER

ATTN: Office of Petitions
Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a corrected Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), signed by a patent practitioner in compliance with 37 CFR 1.33(b) and including the required statement of unintentional delay.

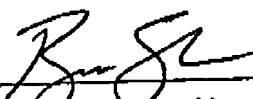
The reply in the form of an amendment and remarks, the petition fee, and the required statement of unintentional delay, were previously submitted on December 14, 2006.

Petitioner believes that there are no fees due at this time. However, should it be determined a fee is due, please charge any fees to Deposit Account No. 03-3875.

All conditions for revival of the above-identified application pursuant to the provisions of 37 CFR 1.137(b) having been satisfied, reconsideration and favorable action are requested.

Dated: May 9, 2007

Respectfully submitted,



Brian B. Shaw, Reg No. 33,782
Harter Secrest & Emery LLP

1600 Bausch & Lomb Place
Rochester, New York 14604-2711
Telephone: 585-232-6500
Facsimile: 585-232-2152

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PTO/SS/64 (04-07)

Approved for use through 09/30/2007, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
94012.000003

First named inventor: WIEGEL, J. Parr

Application No.: 10/03,378

Art Unit: 3612

Filed: March 18, 2004

Examiner: Hilary L. Gutman

Title: PORTABLE VEHICLE AND/OR EQUIPMENT STORM SHIELD

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment (identify type of reply):

- ☒ has been filed previously on 12/14/2008
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment of the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II) (C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Brian B. Shaw

Typed or printed name

Harter Secrest & Emery, LLP, 1600 Bausch & Lomb Place
AddressRochester, New York 14604-2711
Address

Date

33,782

Registration Number, if applicable

585-232-6500
Telephone NumberEnclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Copy of Decision on Petition Under 37 CFR 1.137(b)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.5-09-2007
Date

Signature

Jodi A. Reynolds
Typed or printed name of person signing certificate



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1600 BAUSCH & LOMB PLACE
ROCHESTER, NY 14604-2711

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OFFICE OF PETITIONS

renewed Petition
June 4, 2007In re Application of
WIEGEL et al
Application No.: 10/803,376
Filing Date: March 18, 2004
Attorney Docket No.: 94012.000003 (AS-002PUS)DECISION ON PETITION
UNDER 37 CFR 1.137(B)

This is a decision on the petition under 37 CFR 1.137(b), filed December 14, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 31, 2005, which set a three month shortened statutory period for response. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on February 1, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and remarks; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

However, the petition is not in compliance with 37 CFR 1.33(b) in that it is not signed by either a practitioner or all of the applicants.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Application Number: 10/803,376

-2-

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy